## Senate File 2079 - Introduced

SENATE FILE 2079
BY D. JOHNSON

## A BILL FOR

- 1 An Act providing for the evaluation of permits to construct,
- 2 including expand, a confinement feeding operation structure
- 3 by using the master matrix, and including effective date
- 4 provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 459.305, subsection 2, Code 2018, is 2 amended to read as follows:
- The master matrix shall include criteria be available
- 4 for use by a county board of supervisors and the department
- 5 in valuing the environmental and community impacts for use
- 6 by county boards of supervisors and the department of an
- 7 application. The master matrix The master matrix shall
- 8 be comprised of three separate categories that assess the
- 9 application's impact on air quality, water quality, and the
- 10 neighboring community. Each category shall include definite
- 11 criteria and point selections for all criteria provided in
- 12 the master matrix assigned to each criterion. The master
- 13 matrix shall provide only for scoring the accumulation
- 14 of positive points and shall not provide for deduction
- 15 of points. The master matrix shall provide for a minimum
- 16 threshold score required to In order for an application to
- 17 receive a satisfactory rating, it must achieve a threshold
- 18 score for each category. A threshold score equals a minimum
- 19 of seventy percent of the total number of possible points
- 20 for the category. The master matrix shall be structured to
- 21 ensure that it feasibly provides for a satisfactory rating.
- 22 Criteria valuing environmental impacts shall account for animal
- 23 agriculture's relationship to quality of the environment and
- 24 the conservation of natural resources, and may include factors
- 25 that refer to all of the following:
- 26 a. Topography.
- 27 b. Surface water drainage characteristics.
- 28 c. The suitability of the soils and the hydrology or
- 29 hydrogeology of the site.
- 30 d. The proximity to public use areas and critical public
- 31 areas.
- 32 e. The proximity to water sources, including high-quality
- 33 water resources.
- 34 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
- 35 importance, takes effect upon enactment.

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      Sec. 3. APPLICABILITY — PRIOR APPLICATIONS.
 2 amendments to section 459.305, subsection 2, as enacted in this
 3 Act, shall not apply to an application to construct, including
 4 expand, a confinement feeding operation structure, if a county
 5 board of supervisors or the department of natural resources
 6 has completed an evaluation of the application prior to the
 7 effective date of this Act.
 8
                              EXPLANATION
 9
           The inclusion of this explanation does not constitute agreement with
            the explanation's substance by the members of the general assembly.
10
      BILL'S PROVISIONS — GENERAL.
                                     This bill amends the
11
12 "Animal Agriculture Compliance Act" (Code chapter 459) which
13 generally regulates confinement feeding operations (operations)
14 including associated confinement feeding operation structures
15 (structures) by the department of natural resources (DNR).
16 bill provides that the master matrix (matrix) used to evaluate
17 an application to construct a structure must be comprised of
18 three categories used to assess its impact on air quality,
19 water quality, and the neighboring community. It also provides
20 that an application must achieve a minimum threshold score of
21 70 percent of all points possible for each category in order to
22 be recommended for approval by a county board of supervisors
23 (board) to DNR. The bill's provisions do not apply, if a board
24 recommended approval or disapproval of an application, or DNR
25 approved or disapproved an application, on the basis of an
26 evaluation completed prior to the effective date of the bill
27 using the matrix as it existed at that time.
28
      BACKGROUND — USE OF THE MATRIX. The purpose of the matrix
29 is to produce a statistically verifiable basis for determining
30 whether to approve or disapprove an application (Code section
31 459.305). A person preparing to construct a structure that
32 is an unformed manure storage structure or a structure that
33 is part of an operation of a certain size (at least 1,000
34 animal units) must obtain a permit by DNR (Code section
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35 459.303). As part of the permit review process, a board

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- 1 that has filed a construction evaluation resolution with DNR
- 2 (Code section 459.304) may make a recommendation based on the
- 3 results of completing the matrix. In those circumstances, DNR
- 4 is also required to conduct an independent evaluation of the
- 5 application using the matrix.
- 6 EFFECTIVE DATE. The bill, if enacted, would take effect upon
- 7 enactment.